Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

of equity, which is then given power by mere decree to vest title in its appointee. Such provisions have been made for insane trustees, *Livingston* v. *Livingston*, 2 Johns. Ch. 537; infant trustees, *Re Wadsworth*, 2 Barb. Ch. 281; absent trustees, Mass. Pub. Sts. c. 141, § 7; death of trustees, Pub. Laws of N. Y., 1896, c. 547, § 91 a. Such acts are really acts of confiscation by the sovereign and a conveyance from him to the courts. But they have never been questioned constitutionally, because only a legal title and no real interest is confiscated. While no decision so stating has been found, yet it is believed that an examination of the cases will show that the constitutional provision, so generally adopted, applies only to beneficial interests. The act in the principal case is only an elaborate Statute of Uses, which statute might, so far as this decision goes, well be declared unconstitutional.

WILLS — DESIGNATION OF BENEFICIARY — RESERVATION OF POWER OF APPOINTMENT. — A testatrix devised all her property to whomsoever should care for her and furnish proper medical treatment, at her request, during the time of her life when she should need it. *Held*, that the devisee was sufficiently designated by the will, though not named, and that there was no reservation of the power of subsequent appointment of the devisee such as would render the will invalid. *Dennis* v. *Holsapple*, 47 N. E. Rep. 631 (Ind.).

It would seem that no testamentary act remained to be done in the principal case, and that the decision is therefore sound. *Stubbs* v. *Sargon*, 3 Mylne & Cr. 507. The disposition is complete, though the devisee is to be ascertained by future events. The volition of the testatrix is concerned only so far as making a request goes. While making an appointment would undoubtedly be a testamentary act, making a request, which may or may not be complied with, cannot fairly be so termed. Who will satisfy the description in the will is a matter dependent on an extrinsic contingency, and not on the act of the testatrix. 1 Redfield on Wills, 274.

REVIEWS.

STATE CONTROL OF TRADE AND COMMERCE. By Albert Stickney. New York: Baker, Voorhis, & Co. 1897. pp. xiv, 202.

This book is an historical analysis, both from the legal and from the economic points of view, of the question of State control of trade and of combinations to control rates. From the economic point of view there is much force in Mr. Stickney's position that combinations of employers to control prices stand on the same footing as combinations of employees to control wages. By an exhaustive review of authority, he shows that ancient legislation recognized this fact by not attempting to control one class without restricting the other also. It is then shown that all such legislation failed; statutes against monopoly and engrossment became dead letters, and were repealed. In view of the modern tendency to excessive legislation, a useful historical argument is here made in favor of allowing the economic machine to work out its problems without being clogged by useless laws.

From the legal point of view, Mr. Stickney proves historically that the common law has no more interfered with the liberty of men and companies to charge what prices they please, than it has restricted the right of laborers to fix their own wages and to combine in order to control wages. Statutes that limited this liberty are shown to have been repealed before the American Revolution, and thus never to have become a part of our common law. The author then considers other statutes that have been passed of late years, leading up to the Trust Act of 1890, which was recently applied in the Trans-Missouri freight case. The author believes that the statute did not apply to that case, and argues that neither common law nor statute, if properly construed, interferes with legitimate

competition either of employer or employee, individually or in combination. As to the interpretation of the statute, the soundness of the position taken may well be doubted; but in regard to the common law the conclusion reached can hardly be questioned.

The book is valuable for the complete collection of authorities. The reasoning is cogent, and the analysis able. It is written in a terse, vigorous style, which makes amends for minor failings in point of form, and is worthy of the attention both of lawyers and of economists. J. G. P.

COMMON-LAW PLEADING. By R. Ross Perry, of the Bar of the District of Columbia. Boston: Little, Brown, & Co. 1897. pp. xxvi, 494.

In the modest preface to this book the author disclaims any pretence to originality, and states his endeavor to have been to give in condensed form the best that has been said on his subject "by many authors in many books." The result is a complete and satisfactory work on the science of common-law pleading. Mr. Perry, however, has done more than he is willing to claim credit for. His comprehensive grasp and understanding of the theory and practice of pleading has contributed at least equally with his selections from other works to the successful result. The method and arrangement of the book are excellent. The historical development of the law is treated with the breath that a proper understanding of the subject requires. The reader is taken from the most primitive remedies involving mere self-help, to complicated actions before courts of law; the functions and jurisdiction of the English courts are explained, and the several forms of actions developed. The steps in an action from the original writ to judgment, are set out fully and clearly. In all this there is much original writing. Mr. Perry has taken bodily, with little modification, Chitty's statement of the principles of the common law with respect to actions, the essential portions of Stephen's commentaries on the rules of pleading, and Dicey's rules governing the selection of the parties to an action; he has also made free use of the third book of Blackstone's Commentaries in the chapter on the English courts. But whenever the matter treated of has been difficult or obscure, Mr. Perry's explanations have simplified it; and when mere general rules have been given, he has enlightened them with specific illustrations. An example of this is the abstract of the pleadings in a supposed case, given on page 227. The advantages to be derived from the study of special pleading are stated by the author in the introduction more forcibly than has perhaps elsewhere been done. The following passage, it would seem, must commend itself to the thoughtful reader: "The study of special pleading is not only essential to a correct understanding of the historical development of the law; it is most admirable and essential as an intellectual training. No man can be a strong reasoner who does not possess natural or acquired logic. No man can be a strong lawyer who has not, in addition to this logic, a clear knowledge of the logic of the law; and special pleading is the logic of the law." R. L. R.

HANDBOOK OF THE LAW OF EQUITY PLEADING. By Benjamin J. Shipman. St. Paul, Minn.: West Publishing Co. 1897. pp. xii, 632.

The subject with which Mr. Shipman deals in this latest volume in the *Hornbook Series* is one that is peculiarly susceptible of useful treatment